

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of
Numbering Resource Optimization

CC Docket No. 99-200

BELLSOUTH REPLY COMMENTS

BellSouth Corporation, by counsel and on behalf of itself and its wholly-owned subsidiaries (“BellSouth”), respectfully submits its reply comments on the national thousands-block number pooling schedule released by the Commission in a *Public Notice* dated October 17, 2001 in the above-captioned proceeding.¹

The record convincingly demonstrates that all parties are anxious to proceed with nationwide pooling. Development of the national roll out schedule is a critical step in reaching that goal. BellSouth, while ready to proceed, continues to have serious concerns regarding, among other things (1) the aggressive pace of the proposed schedule; (2) the criteria for prioritizing pooling; and (3) the compressed milestone schedule. Accordingly, BellSouth urges the Commission to adopt a national rollout schedule that not only balances the workload imposed upon carriers and the National Pooling Administrator but also minimizes the potential for service disruptions in the Public Switched Telephone Network (“PSTN”).

¹ *The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule*, CC Docket No. 99-200, *Public Notice*, DA 01-2419 (rel. Oct.17, 2001) (“*Public Notice*”).

I. THE COMMISSION SHOULD MODIFY THE PROPOSED SCHEDULE TO LIMIT POOLING TO THREE NPAS PER NPAC REGION PER QUARTER.

BellSouth continues to support a schedule that complies with the Commission's previous decision to confine the rollout of pooling to three NPAs per NPAC region per quarter.² A number of commenters, including SBC and WorldCom, similarly support a less aggressive schedule.³ While many of the state commissions propose adjusting the tentative schedule to add, remove, or substitute certain NPAs in their particular states, most appear content with exceeding the limit of three NPAs per NPAC region per quarter.⁴

BellSouth cautions against ignoring the risks inherent in trying to accomplish pooling in so many areas, so quickly, especially in the initial phases of the national rollout. As the California Public Utilities Commission and the People of the State of California ("CPUC") recognize, "the need to place more than one NPA per month into pooling could be a burden on the carriers. That, in turn, could result in problems that might affect service quality, or even call completion."⁵ The CPUC therefore supports

² See *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, 7646, ¶ 159 (2000) ("First NRO Order" and "First FNPRM").

³ See, e.g., Comments of SBC Communications Inc. at 2-3 ("SBC Comments"); Comments of the United States Telecom Association 2-4 ("USTA Comments"); WorldCom Comments at 1-2.

⁴ See, e.g., Comments of the Idaho Public Utilities Commission; Illinois Commerce Commission Comments; Comments of the Indiana Utility Regulatory Commission on the Thousand-Block Number Pooling Schedule; Comments of the Michigan Public Service Commission on the National Thousands-Block Number Pooling Rollout Schedule; Petition of the Minnesota Public Utilities Commission to Substitute an Alternative NPA for the NPA Listed on the Rollout Schedule; Comments of the Public Service Commission of the State of Missouri.

⁵ Comments of the California Public Utilities Commission and the People of the State of California at 2.

revising the schedule to limit pooling to three NPAs per NPAC region, at least for the first quarter.⁶ The Commission should and, in fact, is obligated to show a similar commitment to protecting carrier networks and ensuring continued and reliable service to the public. The most effective and prudent way to accomplish this goal is to limit the number of NPAs scheduled for pooling to three per NPAC region per quarter.

Confining the rate of implementation to three NPAs per NPAC region per quarter will only extend the national rollout by a short period – two quarters according to SBC’s calculation.⁷ The benefits gained from such a brief extension would be significant. First, a less aggressive pooling schedule would allow carriers to allocate limited resources, including experienced personnel, and structure implementation activities in a more deliberate and studied manner. Second, limiting the number of NPAs subject to pooling in a quarter to three per NPAC region would keep pooling costs down. As BellSouth demonstrated in its initial comments, the accelerated schedule proposed by the Commission will increase carrier pooling costs dramatically.⁸ Finally, a less aggressive schedule would minimize the risk to carrier networks and the potential for service disruptions.

Accordingly, to avoid adopting a final schedule that threatens network service reliability or is impossible to meet, the Commission should modify its proposed schedule

⁶ *Id.*

⁷ SBC Comments at 3.

⁸ BellSouth Comments at 4. The detailed cost study submitted by BellSouth was based on a schedule of three NPAs per NPAC region per quarter. *See Written Ex Parte*, Letter from Kathleen B. Levitz, Vice President, Federal Regulatory, BellSouth, Re: CC Docket Nos. 99-200 and 96-98, to Magalie Roman Salas, Secretary, FCC, at 1 and Attachment A (June 20, 2001) (“BellSouth Cost Study”). If the Commission were to retain the proposed rollout schedule, BellSouth’s current cost study would significantly underestimate its pooling expenses.

to comply with the previous rule limiting pooling to no more than three NPAs per NPAC region per quarter.

II. THE COMMISSION SHOULD RE-AFFIRM ITS POLICY TO IMPLEMENT POOLING INITIALLY IN THE TOP 100 MSAs.

In its initial comments, BellSouth asked the Commission to re-affirm its previous finding “that where an NPA encompasses areas both inside and . . . outside of the qualifying MSA, pooling will be required only in those rate centers in the NPA which are a part of the MSA.”⁹ SBC and Verizon, however, offer a contrary proposal. They suggest that the Commission require carriers to implement pooling throughout an NPA, not merely in those rate centers within the top 100 MSAs.¹⁰ BellSouth objects to the adoption of such a blanket rule. Not only does it conflict with the Commission’s prior decision, but it also fails to account for those instances in which pooling outside the qualifying MSA offers few, if any, benefits.

As an initial matter, BellSouth is not opposed to implementing pooling in rate centers outside the top 100 MSAs. In fact, in its comments, BellSouth pointed out that there may be instances in which pooling outside the largest 100 MSAs is appropriate.¹¹ BellSouth further explained that state commissions already have the flexibility to decide whether pooling beyond the top 100 MSAs would benefit their states and, if so, may seek inclusion on the national schedule.¹² BellSouth, however, objects to a mandate that would require carriers in all instances to implement pooling both inside and outside a

⁹ *First NRO Order*, 15 FCC Rcd at 7645, ¶ 158.

¹⁰ SBC Comments at 9; Comments of Verizon at 4 (“Verizon Comments”).

¹¹ BellSouth Comments at 12.

¹² *Id.*

qualifying top 100 MSA.

As BellSouth stated in its comments, the most efficient and cost-effective approach is to implement pooling initially in the top 100 MSAs as previously determined by the Commission.¹³ Notwithstanding its support for pooling throughout an NPA (both inside and outside the qualifying MSA), SBC agrees that the “[t]op 100 MSAs should be given priority in the national pooling schedule.”¹⁴ It is difficult to reconcile adopting a rule that would require all carriers, in all instances, to implement pooling outside the largest MSAs when the Commission has previously determined that the most efficient approach is to concentrate “implementation efforts in those areas in which all or most carriers are LNP-capable—*i.e.*, the top 100 MSAs”¹⁵

Verizon and SBC both assert that it would be more efficient to implement pooling throughout an NPA in a single effort, rather than having to return later to complete the job.¹⁶ Such an approach may make sense in some cases. For example, if an NPA encompasses both a top 100 MSA (which comprises 90 percent of the NPA) and an area outside a non-top 100 MSA (which comprises 10 percent of the NPA), it may be reasonable for carriers to implement pooling throughout the entire NPA. Or, if a significant number of carriers operating in an NPA, but outside a top 100 MSA, have implemented local number portability (“LNP”) and therefore are capable of pooling, it may be appropriate to implement pooling in such an area.

However, under other circumstances, it does not make sense to deploy pooling

¹³ See *id.* at 12-13.

¹⁴ SBC Comments at 8.

¹⁵ *First NRO Order*, 15 FCC Rcd at 7644, ¶ 156.

¹⁶ SBC Comments at 9; Verizon Comments at 4.

outside a top 100 MSA because of the absence of any benefits. As the Public Utility Commission of Texas (“Texas PUC”) points out, in many areas outside the largest 100 MSAs, carriers have not implemented local number portability in their switches and therefore cannot participate in pooling.¹⁷ In its comments, the Texas PUC specifically asks whether the Commission gave any consideration to this fact when it scheduled pooling in areas beyond the top 100 MSAs.¹⁸ Implementing pooling in these areas is of no benefit until there is another carrier with which to pool.

If carriers operating in a particular NPA would prefer to implement the pooling capability in rate centers beyond the top 100 MSAs, they should be afforded the opportunity to do so. The industry together with state commissions can work together to assess the value of pooling in those rate centers within an NPA that fall outside a top 100 MSA based upon the local conditions. However, by no means, should the Commission, as a general rule, require carriers to deploy pooling throughout an NPA that encompasses areas both inside and outside a qualifying top 100 MSA.

Such a “one-size-fits-all” approach not only would be contrary to previously stated Commission policy, but also would impose unnecessary costs and burdens on carriers. As BellSouth indicated in its comments, its cost study was based on the assumption that only those end offices in an NPA that were also within the referenced MSA would be equipped for pooling. In addition, the BellSouth’s cost study assumed that pooling would be implemented in the top 100 MSAs initially.¹⁹ A change in the

¹⁷ Comments and Petition to Substitute Alternative NPA of the Public Utility Commission of Texas at 3.

¹⁸ *Id.*

¹⁹ See BellSouth Comments at 11; BellSouth Cost Study at 1 and Attachment A.

Commission's previous determination would substantially increase BellSouth's costs and implementation time.

In light of the foregoing, the Commission should re-affirm its previous decision to limit the initial implementation of pooling to those rate centers included in the top 100 MSAs. To ensure that NPAs beyond the largest 100 MSAs are not left out, the Commission should continue to allow state regulators to seek inclusion on the national schedule for areas outside the top 100 MSAs. In addition, if the industry agrees to implement pooling in those rate centers in an NPA that fall outside the qualifying 100 MSA, it should have the discretion to do so. However, the Commission should not require carriers in all instances to implement pooling both inside and outside a qualifying top 100 MSA.

III. THE RECORD OVERWHELMINGLY SUPPORTS ALLOWING THE INDUSTRY AND THE POOLING ADMINISTRATOR TO ESTABLISH THE MILESTONE SCHEDULES.

There is near unanimous agreement that the Pooling Administrator and the industry should develop the pooling milestones, not the Commission.²⁰ As the record demonstrates, the Industry Numbering Committee ("INC") Guidelines for Thousands-Block Number Pooling ("INC Guidelines") direct the Pooling Administrator and participating carriers to determine the appropriate milestone dates based on state commission input and the unique circumstances of the NPA.²¹ As Cincinnati Bell

²⁰ See, e.g., BellSouth Comments at 5-9; Comments of Cincinnati Bell Telephone Company at 6 ("Cincinnati Bell Comments"); USTA Comments at 4-5; Verizon Comments at 3.

²¹ See Industry Numbering Committee (INC), Thousands-Block Number (NXX-X) Pooling Administration Guidelines, INC 99-0127-023, Sections 7.1 (at page 21), 7.2.2 (at page 23) (Sept. 24, 2001) ("INC Guidelines").

Telephone Company correctly points out, “[i]t is only through this collaborative process between the pooling administrator, the appropriate state commission and the service providers operating in the NPA that a realistic forecast date, block protection date, block identification date, etc. can be determined.”²²

BellSouth therefore urges the Commission to refrain from defining the milestone schedules. The Pooling Administrator and participating carriers are in the best position to determine the appropriate deadlines. These entities can best assess the specific circumstances of a particular NPA and consequently develop appropriate milestones. Accordingly, BellSouth urges the Commission to refrain from adopting the milestone schedule and instead allow carriers and the Pooling Administrator to develop the appropriate deadlines as set forth in the INC Guidelines.

With respect to the tentative milestone schedule, BellSouth does not object to Verizon’s suggestion to establish a single implementation meeting per region per quarter.²³ This approach will help streamline the implementation process and should enable carriers to plan for pooling in their particular regions more effectively and efficiently. However, in the event that the Commission adopts Verizon’s proposal, as discussed above, it should not define the individual milestone dates.

IV. CONCLUSION

BellSouth appreciates the opportunity to provide input on the Commission’s proposed national pooling schedule. As the record demonstrates, there are concerns regarding the aggressive pace of the proposed deployment, the method for prioritizing

²² Cincinnati Bell Comments at 6.

²³ See Verizon Comments at 3.

pooling efforts, and the lack of industry input in developing the milestone schedule.

BellSouth encourages the Commission to give due consideration to these concerns in adopting a rollout schedule.

Respectfully submitted,

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Date: November 16, 2001

CERTIFICATE OF SERVICE

I do hereby certify that I have this 16th day of November 2001 served the following parties to this action with a copy of the foregoing **BELLSOUTH REPLY COMMENTS** by electronic filing and/or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

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